

POINTS AND AUTHORITIES


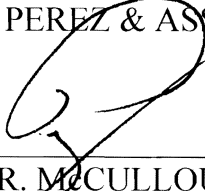
During the course of the litigation, Plaintiff entered settlement discussions with Defendants which resulted in the previous dismissals. It is Plaintiff's intent to continue to pursue CORY A. SIMONEAU and RED MOUNTAIN CONSTRUCTION AND DEVELOPMENT (collectively "Defendants"), through a default in this matter.

Certain matters were in the development which potentially could have affected the damages Plaintiff would have submitted in a default judgment. Those have been resolved and Plaintiff is prepared to move forward with a default and application for a default judgment against the remaining Defendants. Plaintiff anticipates having those actions completed with 60 days of this filing and request the Court not dismiss the matter but rather allow Plaintiff time to secure the default and default judgment against the remaining Defendants.

DATED this 16 day of August, 2011.

Respectfully submitted,

McCULLOUGH PEREZ & ASSOCIATES, LTD.

By:  
CHRISTOPHER R. McCULLOUGH, ESQ.
Nevada Bar #1138
FRANK PEREZ, ESQ.
Nevada Bar #5738
601 S. Rancho Drive, #A-10
Las Vegas, Nevada 89106
Attorneys for Plaintiff

IT IS SO ORDERED.

DATED: 8/17/11


UNITED STATES DISTRICT JUDGE